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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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CURTIS WAYNE ROBINSON,

§

Plaintiff,

§

*versus*

§ CIVIL ACTION NO. 1:05-CV-568

MONICA SPITTER, *et al.*,

§

Defendants.

§

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND  
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Curtis Wayne Robinson, a prisoner currently confined at the Shelby County Jail, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the claims against Lloyd Aschberger, the Assistant Wardens of the Eastham Unit, Butcher, Jane Doe, Jackson, Latham, G. Oliver, F. Reescano, and D. Vallie for failure to exhaust administrative remedies.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. Civ. P. 72(b). Plaintiff's claims in the amended complaint

concerning constitutional violations at the Eastham Unit were not exhausted before this lawsuit was filed. Therefore, after careful consideration, the court concludes the objections are without merit.

**ORDER**

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A partial judgment will be entered in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 25th day of September, 2007.

*Marcia A. Crone*  
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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE